

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TESHIA JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-25-147-D
	)	
COMANCHE COUNTY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is the Report and Recommendation (R&R) [Doc. No. 6] of United States Magistrate Judge Suzanne Mitchell, issued pursuant to 28 U.S.C. § 636(b)(1). On March 21, 2025, Plaintiff filed a motion for leave to proceed in forma pauperis (IFP) [Doc. No. 3].

On March 24, 2025, Judge Mitchell advised Plaintiff that her IFP motion was deficient and ordered her to file an amended IFP motion by April 14, 2025. 3/24/2025 Order [Doc. No. 5]. The Clerk of Court mailed a copy of Judge Mitchell's order and the IFP application to Plaintiff at both addresses Plaintiff has provided: (1) 1126 Missouri Street, Norman, OK 73171; and (2) 8290 NW 26th Place, Sunrise, FL 33322. *See id.* (staff notes in docket following the entry of Judge Mitchell's order). The record reflects that the copy of Judge Mitchell's order mailed to Plaintiff's Norman, OK address was returned with the notation, "no longer at this address." *See* Returned Mail [Doc. No. 7]. The copy mailed to Plaintiff's Sunrise, FL address, however, has not been returned.

On April 16, 2025, having not received an amended IFP motion from Plaintiff, Judge Mitchell filed her R&R, recommending that Plaintiff's IFP motion be denied. R&R at 4. Judge Mitchell further recommends that the Court dismiss this case without prejudice, should Plaintiff fail to pay the \$405.00 filing fee within 21 days of any order adopting the R&R. *Id.*

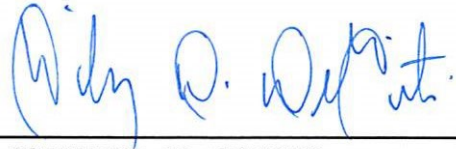
In her R&R, Judge Mitchell advised Plaintiff of her right to object and directed that any objection be filed on or before May 7, 2025. *Id.* Judge Mitchell further advised Plaintiff that any failure to timely object would result in waiver of the right to appellate review. *Id.* The deadline for filing an objection has passed, and Plaintiff has neither filed an objection nor sought an extension of time in which to do so. The record reflects that the copy of the R&R mailed to Plaintiff at her Norman, OK address was returned as undeliverable [Doc. No. 8], but the copy mailed to her Sunrise, FL address has not been returned.<sup>1</sup>

For the reasons stated therein, the Court adopts the R&R in its entirety. Plaintiff's IFP motion [Doc. No. 3] is **DENIED**, and Plaintiff is advised that if she does not pay the \$405.00 filing fee within **21 days** of the issuance of this Order, this case will be dismissed without prejudice.

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<sup>1</sup> Local Rule 5.4 expressly provides that a *pro se* litigant must file a change-of-address form when she moves, and the responsibility of the Court and the opposing parties is limited to mailing pleadings to a *pro se* litigant's last known address. LCvR 5.4(a). Material mailed by the Court to the last known address furnished by the *pro se* litigant is deemed delivered. *Id.*; *see also* Fed. R. Civ. P. 5(b)(2)(C) (service complete upon mailing to a person's last known address). Here, Plaintiff has not filed a change-of-address form, but, in the Amended Complaint, she did change her address from the Norman, OK address to the Sunrise, FL address. *Compare* Compl. [Doc. No. 1] at 1, *with* Am. Compl. [Doc. No. 2] at 1. The Court has, therefore, treated the Sunrise, FL address as Plaintiff's last-known address.

**IT IS SO ORDERED** this 13<sup>th</sup> day of May, 2025.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge